IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.3768 OF 2005

Office Notes,Office Memoranda of Coram, appearances, Court's order or directions and Registrar's orders.	Court's or Judge's orders.

Mr.N.G.Chhatre for the Petitioner.
Mr.S.V.Palsuledesai for Respondent.

CORAM : SMT.NISHITA MHATRE, J.
DATED : 17TH AUGUST 2005

P.C. :

. There is a concurrent findings of fact of both the Courts below that the suit premises have not been used for six months and that the Petitioner has acquired suitable alternate accommodation. The case of the Petitioner that the suit premises were being used by her son while studying has been disbelieved. In such circumstances, there is no need to interfere with the concurrent findings of fact. The judgment in the case of Soni Jagjivan Narsi vs. Manchhaben Odhavji reported in 1976 All India Rent Control Journal 188 does not apply in the facts and circumstances

of this case. Petition rejected.

2. On the application of the learned Advocate for the Petitioner, time to vacate the suit premises is granted upto 31st March 2006 on filing usual undertaking. Undertaking to be filed within two weeks from today.